IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 14865 of 2004

Between:

Donkala Murali Prasad, S/o. D. Ramanaidu, Hindu,
R/o. Pullanellapalli(V), Chejerla(M), Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Nellore.
3 The Mandal Revenue Officer, Chejerla (M), Nellore District.
4 The Andhra Pradesh Pollution Control Board, Rep by its Environmental Engineer (Regional Office)
APSFC Building, A.K. Nagar, Nellore - 4.
5 Smt. Kommi Sri Lakshmi, W/o. Prasad, Hindu,
R/o. of Pullaneelapalli(V), Chejerla (M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 4 in not preventing the respondent No. 5 from raising the fish/prawn/shrimp culture is illegal, arbitrary, mala fide contrary to the directions of the Hon'ble Supreme Court and the orders passed by this Hon'ble Court in W.P.No. 9084/01 dt. 18-8-2001 and consequentially-a) direct the respondent Nos.1 to 4 to cause demolish the fish/prawn/shrimp culture raised by the respondent No.5 forthwith; b) to direct the respondents to pay Rs. 50,000/- per Acre each to the petitioner in view of the loss sustained by me, in the interest of justice.

Counsel for the Petitioner:MR.A.CHANDRAIH NAIDU

Counsel for the Respondents 1 to 3 : G.P. for Revenue.

Counsel for respondent No.4 : Mr. S.V. Bhatt.

Counsel for respondent No.5: MR.M.P. CHANDRAMOULI.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1 . Petitioner made grievance about the action of respondent No.5 in commencing prawn culture without any approval from the concerned authorities. It was pointed out by the learned counsel for respondent No.5 that respondent No.5 is not the owner of the land. Counsel for the petitioner had taken time to file application to implead correct person. Application has not been filed.

2. In any case, we are of the view that in such like matters, it will be for the petitioner to first approach the concerned authorities with correct facts and particulars, bring to their notice the details and correct name of the person against whom respondents are expected to take action. Since name of the correct person was not brought to the notice of the concerned authorities, we

dismiss the writ petition with liberty reserved to the petitioner to submit his appropriate representation giving correct particulars and in case his grievances are not met within a reasonable time, petitioner can thereafter take out

appropriate action in accordance with law. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 02.11.2004.

VRK.

To

1 The District Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Nellore.
3 The Mandal Revenue Officer, Chejerla (M), Nellore District.
4 The Environmental Engineer, Andhra Pradesh Pollution Control Board, (Regional Office)
APSFC Building, A.K. Nagar, Nellore - 4.
5. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 14865 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 02.11.2004.